

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

CASE NO.: 12-CR-116

PHILIP HUGH WENTZEL,

Defendant.

SENTENCING hearing in the above-entitled matter,
held before the Honorable Lynn Adelman, on the 21st day of
December, 2012, commencing at 10:10 a.m. and concluding at
12:08 p.m.

A P P E A R A N C E S

United States Department of Justice
Office of the U.S. Attorney
Ms. Penelope C. Coblentz
517 East Wisconsin Avenue, Room 530
Milwaukee, Wisconsin 53202
Appeared on behalf of the Plaintiff.

Federal Defender Services of Wisconsin, Inc.
Mr. Thomas E. Phillip
801 East Walnut Street, Second Floor
Green Bay, Wisconsin 54301
Appeared on behalf of the Defendant, also present.

Mr. James P. Fetherston, U.S. Probation Office.
Mr. Jonathan Deitrich, Clerk.
Ms. Sheryl L. Stawski, RPR, Official Reporter.

T R A N S C R I P T O F P R O C E E D I N G S

THE COURT: This is U.S. versus Wentzel, 12-CR-116.
Appearances.

MS. COBLENTZ: Good morning, Your Honor. Penny
Coblentz appearing on behalf of the Government.

MR. FETHERSTON: Good morning, Your Honor. Jim
Fetherston from Probation.

MR. PHILLIP: Good morning, Your Honor. Tom Phillip
appears along with Mr. Wentzel.

THE COURT: Okay. My understanding is that the
defendant is going to plead guilty to an information charging
seven counts; is that right?

MR. PHILLIP: Yes, Your Honor.

THE COURT: All right. Mr. Wentzel, before I can
accept your waiver and plea, I have to ask you some questions.
You can talk to your lawyer at anytime. Do you understand?

THE DEFENDANT: Yes.

THE COURT: And you have to answer the questions
truthfully or you could be prosecuted for perjury or false
statement. Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: And in answering my questions, you're
giving up your constitutional right not to incriminate
yourself; and you'll have to admit guilt. Do you understand?

THE DEFENDANT: I understand.

1 THE COURT: And you've talked to your lawyer about
2 waiving indictment and pleading guilty, and you think that
3 it's -- makes the most sense in this situation?

4 THE DEFENDANT: Yes, sir, I do.

5 THE COURT: And you've had enough time to talk to your
6 lawyer. You're satisfied with his advice?

7 THE DEFENDANT: Yes.

8 THE COURT: And you've received a copy of the
9 information, and you've gone over it with your lawyer, and you
10 understand the charges?

11 THE DEFENDANT: I do.

12 THE COURT: You're charged with production of child
13 pornography. You understand what the Government would have to
14 prove to convict you of that?

15 THE DEFENDANT: Yes.

16 THE COURT: And if you wanted to make the Government
17 proceed by way of an indictment, you could do that; and then
18 the Government would have to go to the grand jury which has
19 between 16 and 23 people on it. And 12 of the grand jurors
20 would have to find that there was probable cause that you
21 committed the crime charged.

22 But by waiving indictment, you're allowing the
23 Government to essentially skip that step and proceed against
24 you on their own basic allegation. You talked about waiving
25 indictment with your lawyer; did you not?

1 THE DEFENDANT: Yes, I did.

2 THE COURT: And nobody threatened or promised you
3 anything to get you to waive indictment?

4 THE DEFENDANT: No.

5 THE COURT: And this is what you want to do, is waive
6 indictment?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: I'll approve the waiver. You can go ahead
9 and sign it. Okay.

10 As for your guilty plea, you understand that if you
11 wanted to, you could plead not guilty, persist in that plea,
12 and have a jury trial, and you'd be presumed innocent; and the
13 Government would have to prove you guilty by a standard of
14 beyond a reasonable doubt?

15 THE DEFENDANT: Yes.

16 THE COURT: And if you wanted to -- If you wanted to
17 go that route, you would have a right to have counsel with you
18 at all stages of the case. I'd appoint a lawyer for you if
19 that was necessary. Your lawyer could cross-examine all of the
20 Government's witnesses. You wouldn't have to testify, and the
21 jury couldn't hold that against you.

22 You wouldn't have to put on any evidence, but you
23 could subpoena witnesses if you wanted to. And the jury would
24 consist of 12 people, and they'd all have to agree that you
25 were guilty before you could be convicted; but by pleading

1 guilty, you're giving up all those rights. You understand?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: Okay. And there's -- Is there agreement
4 between the parties regarding the seventh count?

5 MS. COBLENTZ: Your Honor, the recommendation is going
6 to be the same for the Government, 45 years imprisonment
7 followed by lifetime supervision taking into consideration the
8 seventh now identified victim.

9 THE COURT: Okay. You understand the recommendation
10 is essentially the same; is that correct?

11 THE DEFENDANT: Yes.

12 THE COURT: You understand that?

13 THE DEFENDANT: I do.

14 THE COURT: All right. Now, the penalties you're
15 looking at under Count One of the information, a minimum of 15
16 years up to 30 years in prison; a fine of up to 250,000; a
17 minimum of five years up to life of supervised release; a
18 mandatory \$100 assessment; and I could order restitution or
19 forfeiture of assets. You understand those are the penalties
20 you're facing?

21 THE DEFENDANT: Yes.

22 THE COURT: And I could impose any of those penalties
23 because the sentencing guidelines are no longer binding. I
24 still have to calculate the guidelines and consider them, but I
25 don't have to follow them. And if you disagree with the

1 sentence, you're still bound by your guilty plea today. You
2 won't be able to withdraw it. Do you understand?

3 THE DEFENDANT: I do.

4 THE COURT: Has anybody forced you or threatened you
5 to get you to plead guilty or promised you anything other than
6 what's in the plea agreement?

7 THE DEFENDANT: No.

8 THE COURT: You're doing this voluntarily?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay. And, Ms. Coblentz, do you want to
11 state a factual basis briefly?

12 MS. COBLENTZ: Yes, Your Honor. During the
13 investigation of this case, the hard drive that was seized from
14 the defendant's residence -- Seagate hard drive -- was
15 forensically examined. That hard drive was manufactured in
16 China, and it contained numerous images and videos of child
17 pornography.

18 In particular, as it relates to the information, it
19 contained images of Minor Female G. In one particular image,
20 the defendant's hand is touching Minor Female G's pubic area.
21 This victim is sleeping on the top bed of a bunk bed at the
22 defendant's trailer in Campbellsport, Wisconsin. During this
23 sexual assault by the defendant, the victim appears to be
24 unresponsive.

25 THE COURT: Are those facts substantially correct,

1 Mr. Wentzel?

2 THE DEFENDANT: Yes.

3 THE COURT: So you're pleading guilty because you are
4 guilty?

5 THE DEFENDANT: Yes.

6 THE COURT: What is your plea then to Count One of the
7 information?

8 THE DEFENDANT: Guilty.

9 THE COURT: Since you acknowledge that you're guilty
10 as charged in Count One, you've waived indictment freely and
11 voluntarily, you've had the assistance of counsel, you know
12 your right to trial, you know what the maximum punishment is,
13 you're voluntarily waiving indictment and pleading guilty, I'll
14 accept the waiver and the plea and enter a judgment of guilty
15 on your plea on Count One of the information.

16 And I guess now we're ready to proceed to sentencing
17 on all the counts. Is that correct?

18 MR. PHILLIP: Yes, Your Honor.

19 THE COURT: Okay. And, Mr. Phillip, you've gone over
20 the presentence report with your client?

21 MR. PHILLIP: Yes.

22 THE COURT: Any objections?

23 MR. PHILLIP: No. We had some minor factual edits and
24 corrections but no objections.

25 THE COURT: Okay. Government?

1 MS. COBLENTZ: No objections, Your Honor.

2 THE COURT: Okay. Then I'll adopt the facts in the
3 PSR. The guidelines are level 43; criminal history one; life
4 imprisonment the guideline range; five years to life of
5 supervised release; \$25,000 to \$250,000 fine; \$700 assessment.

6 And if we're ready to proceed to sentence, maybe we'll
7 vary the usual order here because, I guess, there's some -- a
8 variety of citizens that want to make statements. Ms.
9 Coblentz, why don't we start with the Government.

10 MS. COBLENTZ: Your Honor, if it was possible, I had
11 prepared the victims who are going to testify that they would
12 be speaking last; that they would do so after hearing what the
13 defendant had to say which is your normal procedure. If we
14 could follow that --

15 THE COURT: Any objection, Mr. Phillip?

16 MR. PHILLIP: Just one moment, Your Honor.

17 THE COURT: I mean, I have no problem with that. My
18 practice basically is to let people say whatever they want; and
19 so if there's other statements that have to be made later,
20 that's fine, too.

21 MR. PHILLIP: Your Honor, I only have one citizen
22 witness who'd like to speak. That would be my client's mother.
23 And then it would be my preference that the defendant speak
24 last; that his allocution be the final thing before the Court
25 makes its sentencing ruling.

1 THE COURT: Well, I guess what I'll do is I'll go with
2 the way I usually do things; but if either side says anything
3 that the other side wants to respond to, then I'll permit that.

4 So, Ms. Coblentz, if Mr. Wentzel says something on his
5 allocution at the end that you want to respond to or you or
6 your victims want to respond to, I'll allow that.

7 MS. COBLENTZ: You're going to let him go after the
8 Government rather than normally going first? I'm sorry, I'm
9 misunderstanding.

10 THE COURT: He wants to go last is my understanding.
11 Is that correct, Mr. Phillip?

12 MR. PHILLIP: Yes.

13 THE COURT: And you agree with that, or you disagree
14 with that?

15 MS. COBLENTZ: Your Honor, I disagree with it because
16 the normal procedure in this courtroom is that the defense
17 makes their argument, the defendant makes his statement. This
18 is what I've been preparing the victims for for the last
19 several months.

20 I think it's important for them to hear what he has to
21 say before they give comment to the Court; so it's just the
22 normal -- it's the way that you always --

23 THE COURT: I understand. Actually, I also really --
24 Mr. Phillip, would you have an objection if we followed the
25 normal procedure but then your client had a right to respond

1 after the victims spoke to anything that they said?

2 MR. PHILLIP: No, Your Honor. That would be fine.

3 THE COURT: All right. Then we'll do it the normal
4 way but with the understanding that Mr. Wentzel has a right to
5 respond at the end if he wishes to say anything.

6 MR. PHILLIP: Then toward that end, I would ask Carol
7 Wentzel -- she would like to address the Court.

8 THE COURT: Okay.

9 MS. WENTZEL: I will tell you one thing; I have done
10 something that I haven't done for -- since I was in college. I
11 slept on the floor of the Cleveland airport last night so I
12 could have a chance to get on a plane this morning and be here
13 so I could speak. So, I'm sorry. I apologize for not being
14 dressed as I should and maybe not as ivory clean as I could be,
15 but I am here; and I certainly would appreciate the chance to
16 speak.

17 When we look at our children, it's difficult to see
18 them as other people see them. Our children have a special
19 place in our hearts. We do not see their faults or
20 shortcomings as others might view it. We see those things that
21 give them strength of character and things that we hope for the
22 future will help them along the way. If there is a deviation
23 from the norm, we look to see if there is a way they can be led
24 back to an acceptable path.

25 Motherhood in and of itself presents many challenges,

1 but nothing can ever prepare a woman to face the pain of seeing
2 her child suffer in any way. The agony radiating from my son
3 confirms his remorse at the actions that hurt so many,
4 including himself.

5 Since the moment Philip entered our lives, he was a
6 bright and a loving person. His childhood left him with scars
7 such as the death of his father at an early age and also the
8 tragic stripping of his innocence by a man of the cloth.

9 We fought and he fought through his adult life to have
10 some kind of normalcy, but it was not to be. There was sadness
11 from a first marriage that did not work as we would have hoped
12 it did; and his second marriage fell into that same category
13 leading him down a path of, I guess, self-deprivation and
14 things; and he chose alcohol as a way of trying to escape that.

15 He voluntarily entered counseling within the last year
16 to heal his wounds and sickness that caused hurt to so many
17 people. He was healing and becoming the man that we once hoped
18 he would be; but, alas, there was the dark path of
19 self-destruction that we had to realize and see what could be
20 done about it.

21 I know that he has caused pain to those he hurt and
22 their families as well as his own family. That makes my heart
23 ache. The situation at Sandybrook Elementary shocked my soul
24 seeing parents reaching for children tremble with fear and
25 pain. It brought to mind my son's fear and pain in his heart

1 knowing that holding him was impossible like those children
2 that had lost their lives in that school.

3 As a parent, I can empathize with their anguish
4 knowing that my son, okay, is not in my arms and will not be
5 for a long time. Even if given the minimum sentence, I will be
6 over 90 when he is released. That gives me boundless grief I
7 will tell you.

8 Speaking with him over the last several months ensures
9 me that he is, again, committed to God and the righteous path
10 to help others heal and even himself. In thinking back over
11 Philip's life, I can see where he has the ability to change
12 direction for the better.

13 I feel that if given a program of healing, he will
14 benefit and, once again, can become a valuable member to the
15 community. Thank you very much for the time.

16 THE COURT: Thank you.

17 MR. PHILLIP: Your Honor, in this case today you'll
18 hear maybe more information and more argument and be presented
19 with more information than usual. And based on all of that
20 information, the Court will have to make its sentencing
21 decision.

22 But even with all of that information, even with
23 everything the Court is going to consider, today is still going
24 to be incomplete. Everybody in this room, the parties, the
25 people in the gallery have different points of view about what

1 should happen. But no matter what happens, no matter what
2 sentence is imposed, there's not going to be a winner, for lack
3 of a better word.

4 No matter what sentence the Court imposes, some people
5 will think it's the incorrect sentence. The day will be
6 incomplete because no expression of sadness from anyone, from a
7 victim, from a parent, no expression like that is going to be
8 enough to tell their story, to tell the depth of the injury
9 that they've suffered. And on the same token from the other
10 side, no expression of remorse from Mr. Wentzel is going to be
11 enough. No matter what he says, some people will find it
12 insincere. He won't be able to apologize enough to make this
13 day complete. So there's not going to be a celebration. No
14 one is going to be happy about today's case.

15 Today is probably the most important day of the case,
16 but today isn't going to solve the case. It's not going to
17 cure or change the past. No number can do that. I wish it
18 could, but it can't. The only thing I think that can bring
19 change and perspective and some measure of healing is time.
20 And I want to start off by saying that's what I wish for
21 everyone present. I want some measure of healing to come over
22 time.

23 Now, turning to the usual statutory guideline factors,
24 the nature and circumstances of the offense is clear. The
25 presentence report is very thorough. There was a very thorough

1 investigation of the case. There was a very thorough statement
2 from Mr. Wentzel on the day of his arrest in which he confessed
3 and admitted to everything. He entered guilty pleas to all of
4 the production counts, including another one even today; and
5 those are the most serious counts that he was charged with. He
6 has not missed anything or escaped anything. He admitted his
7 charges. He pled guilty, and he's here today to take his
8 punishment and to at least complete the legal portion of the
9 case.

10 As for his history and characteristics, again, the
11 Court has a great deal of information. It's got the
12 presentence report, got letters from family members, has a
13 social history prepared by Ms. Conta, there's a psychological
14 evaluation prepared by Dr. Coffey. So, again, there's a lot of
15 information, maybe more complete information presented to the
16 Court for its decision.

17 In looking through all of those materials, I was
18 struck by something, and it was this, Mr. Wentzel is 41 years
19 old or nearly 42; and his life, other than about a two-year
20 period has been a positive one; but that two-year period did a
21 tremendous amount of damage and undoes a lot of the prior years
22 he's had of pro-social and positive behavior. And really the
23 result of those two years is going to be a prison term, and it
24 should be; but those two years don't entirely make the other 39
25 years of his life disappear.

1 In criminal cases, and particularly at sentencing,
2 both sides, the Government and the defense, try to affect the
3 balance of the case, try to affect the Court's decision one way
4 or another; and that's our job; we're advocates for a position.

5 The Government will likely focus on the nature and
6 circumstances of the offense. The defense, obviously, would
7 focus on the history and characteristics of the defendant. And
8 then the Court is tasked with the job of sorting that out.

9 Now, that's hard to do in any case, I would say, but
10 particularly hard to do here given that the facts are terrible.
11 But on the other side, there's a defendant whose life up until
12 relatively recently was positive. He is not a shiftless
13 person. He hasn't been in and out of prison. He is a true
14 criminal history category one offender, which means he has no
15 history at all. That's a positive. He graduated from college.
16 That's a positive. He's worked steadily full time since
17 graduating from college. That's a positive. So as for history
18 and characteristics, Mr. Wentzel has qualities that we don't
19 always see at sentencing.

20 And I would argue, respectfully, that the Government's
21 request for 45 years ignores that history much in the same way
22 that the guidelines do. In my opinion, the guideline's
23 recommendation for life and the Government's recommendation for
24 45 years are really equal; they're the functional equivalent of
25 each other.

1 I would say that in criminal history category one, a
2 sentence of life or 45 years ignores two things. It ignores
3 the criminal history part of the guidelines, that axis of the
4 guideline chart. It also ignores the history and
5 characteristics of the defendant coming from Section 3553.

6 So the guidelines are advisory; but even so, I don't
7 think we should avoid one whole half of the guideline chart,
8 but the statute is mandatory. 3553(a) is mandatory. And so I
9 think we cannot ignore portions of the statute. And I think
10 the Government request does so. I think the Government's
11 request puts all of its weight on one factor, on retribution;
12 and I think that unbalances the statute.

13 Now, as I wrote in my sentencing memo, and as the
14 cases say, not any one factor of 3553 is pre-eminent; and the
15 Court can give one factor more weight than others, but I don't
16 think that the Court can apply only one factor to the exclusion
17 of everything else. And I think that's what the guidelines and
18 the Government's request does here.

19 I would argue that the defense request for 25 years or
20 fewer is more in line with the statutory factors. I think it
21 gives them more consideration than does the Government's
22 recommendation; but even so, our recommendation, like the
23 Government's, has punishment as its primary driving policy.
24 That is because we must recognize the nature of the crime, the
25 seriousness of the offense. So we, too, are asking for

1 long-term punishment.

2 In terms of the enumerated factors in 3553, I would
3 like to go through those just briefly and argue about how our
4 recommendation applies to those factors. Again, we have a
5 very, very serious offense; and that is reflected in the amount
6 of recommendation from both sides. Neither side is asking for
7 a short sentence. The fact that our recommendation is less
8 than the Government's does not depreciate the seriousness of
9 the offense.

10 We're asking for a long term in prison, but I think
11 the defense recommendation recognizes that there has to be room
12 for a more serious offense or a more serious offender
13 particularly those with a worse history. In terms of the
14 deterrence, I would argue that specific deterrence works
15 particularly, and it will work here as Mr. Wentzel himself
16 would be incapacitated and deterred from future activity.

17 I would argue, though, that the Government's
18 recommendation puts too much weight on general deterrence. I
19 would argue that general deterrence has little effect. When a
20 long sentence is imposed, occasionally the argument is made
21 that the sentence must send a message to the community. And in
22 my opinion, the message doesn't always get out; either
23 potential offenders or people in the community don't
24 necessarily hear of the sentence. They may hear of it and not
25 care or -- and in every case I think this is true, people may

1 hear of a sentence; but everyone thinks, well, that won't
2 happen to me. I won't get caught or that won't happen to me or
3 I won't be in those shoes. And that works for any kind of
4 case. So I think that the increase severity doesn't
5 necessarily correspond to a decrease in crime. And, really,
6 the higher the number, the longer the number gets, I think
7 there's less utility to it. In other words, the argument is
8 that 45 years I don't think applies any more adequate
9 deterrence than would 25.

10 As for protection of the public, as I wrote, I think
11 there are three parts to this policy. One would obviously be
12 the sentence length that keeps Mr. Wentzel out of the
13 community; the second portion would be a term of supervision;
14 and then, of course, registration as a sex offender. Notably,
15 all three of those are mandatory. All serve different
16 purposes; they serve successive purposes, but they all protect
17 the public.

18 Mr. Wentzel would be incapacitated while in custody.
19 Supervision would then watch over Mr. Wentzel to protect the
20 public in that fashion. And then, finally, registration makes
21 Mr. Wentzel, again, public; notification protects the public;
22 people know. I think those latter two, supervision and
23 reputation apply in the community obviously. And so protection
24 of the public is more and lasts longer than just the term of
25 incarceration.

1 Mr. Wentzel does have treatment needs, and both are
2 fairly obvious. And those treatment needs, I think, can be
3 addressed both inside and outside of the prison system.

4 Obviously, first, there would be treatment inside the
5 Bureau of Prisons with the sex offender treatment program. I
6 would refer then just briefly to Dr. Coffey's report where it
7 found Mr. Wentzel to be receptive and amenable to treatment and
8 motivated to apply treatment to himself.

9 I think there should also be, while in custody, AODA
10 treatment. There was drinking and drug abuse during this case,
11 and I think that goes hand in hand with the offense itself and
12 with the sex offender treatment program. I think those two
13 would go together. Obviously, then, while on supervision, both
14 of those things should be followed up.

15 Where the statute begins and ends, even though they're
16 not next to each other in the words, I would say that just
17 punishment and sufficiency of the sentence are similar
18 concepts; that the sentence has to be sufficient but not
19 greater than necessary. And, really, I would argue that that's
20 where justice lies, in that sufficiency. But, again, as I
21 started, no number is perfect. No number provides a perfect
22 answer to what a sentence should be because, again, no matter
23 what the number is, someone will be disappointed with it.

24 The Court and, I think, the Seventh Circuit recognizes
25 that. The Seventh Circuit once said that concepts like justice

1 or sufficiency are not subject to easy definition; they're not
2 concepts that can be mathematically quantified. And so I come
3 back to the idea that a reasonable sentence is not a point but
4 it's a range. There are ranges of sentences. I would argue
5 with 25 years at the top, I think that would be a sentence that
6 is reasonable. I think that a sentence with 25 years at the
7 top, 25 years or fewer, carries the same meaning as the longer
8 term.

9 I would argue that the Government's recommendation is
10 greater than necessary to fulfill the policy imperatives in
11 3553. I would argue that 25 years or fewer is sufficient but
12 not greater than necessary to match those policy objectives.

13 So, to conclude, as I wrote in the concluding portion
14 of the memo, we would ask that the Court impose a term of
15 imprisonment of 25 years or fewer with, obviously, a term of
16 supervision to follow. We would ask the Court order treatment
17 both in custody and outside of custody. One portion should be
18 in the 500 hour program in the Bureau of Prisons. Another
19 portion should be the sex offender treatment program inside the
20 Bureau of Prisons.

21 I'd ask that the Court decline to impose a fine. I'd
22 ask that the Court recommend placement at the Bureau of
23 Prisons' facility in Butner, North Carolina. That's the
24 facility closest to Mr. Wentzel's mother's home. It's about an
25 hour away. That facility also matches in terms of treatment,

1 the nature of this case. So, again, I would ask that the Court
2 make that recommendation on the judgment.

3 Now, Mr. Wentzel had prepared a statement that he
4 would like to read to the Court if the Court is prepared for
5 that now.

6 THE COURT: Sure.

7 THE DEFENDANT: Thank you, Your Honor, for the
8 opportunity to speak. First and most important, today as well
9 as back on September 20th, I pled guilty to the charges
10 again -- excuse me -- the charges against me. I want to be
11 clear today that I pled guilty because I am guilty.

12 I understand the seriousness of what I did. I alone
13 accept responsibility for my actions. The noted columnist Dear
14 Abby once wrote, the two most difficult words in English are
15 I'm sorry. I must respectfully disagree with her on that point
16 because I believe when you are truly sorry, truly repentant,
17 know you've done wrong and are willing to admit mistakes and
18 failures, as I am now, saying I'm sorry is easy.

19 My actions in this case were despicable, and I am
20 sorry for the things I have done and the pain that I have
21 caused. If I could take it all back, I would. But I cannot.
22 I can say I'm sorry, though, and that I do sincerely apologize
23 for what I've done.

24 Today I must face the consequences of that. More
25 important, the victims in this case must live with my actions

1 and their effects; and I cannot say I'm sorry enough for that.
2 I can and I do pray for them every day without fail for their
3 well-being, for God's strength in their lives and for their
4 forgiveness.

5 The consequences I now face and have been facing since
6 May 2nd are severe and life-changing as they should be. These
7 events have cost me my family, most important, my daughter. I
8 love her very much. And I've said many times before that I
9 would at any moment give my life for hers without hesitation.
10 I loved being her dad. I loved teaching her to drive on back
11 roads up north, teaching her to ride a horse, shoot a gun or a
12 bow. I loved taking her hunting to experience the joy of an
13 activity I loved dearly. Because of my actions, I will no
14 longer be able to do any of that; and I will now also miss
15 everything in her future I had so looked forward to.

16 These events have cost me dearly with my own mother as
17 well. She lost her husband to the effects of diabetes and
18 kidney failure 27 years ago. She now has lost me at the time
19 in her life when she needs me the most. As she has grown older
20 and her health declined, I was able to be there for her to help
21 and support her as I have done since my dad's death. I can no
22 longer do that, and that thought never leaves my mind.

23 The other thought that never leaves my mind is that my
24 mom is now dying from the exact same thing that took my dad
25 from me. I must face the reality that I will most likely lose

1 my mom while I'm locked up in prison, my mom a pillar of
2 strength and perseverance, my only parent since I was 14, the
3 same mom who is the smartest and most insightful person I have
4 ever met, the same mom with a leaky toilet I've been trying to
5 unsuccessfully fix for over a year. What I wouldn't give to
6 have just one more shot at that thing; what I wouldn't give to
7 be able to put all of this behind me; go to my mom and have her
8 hold me the way only a mom can, the way only my mom can. Thank
9 you. Thank you, mom, for everything, especially, your
10 unconditional love and support. I am truly sorry to you, as
11 well. I have brought pain and embarrassment to you and our
12 family. I have failed so many but especially you.

13 Your Honor, I understand I must be punished for my
14 actions, and I accept that. I am ready to move on to that next
15 phase in my life. However, sir, I ask and I beg of you to
16 please look at the totality of my life, the good I've done,
17 people I've helped, and the good I still have to offer.

18 I ask you to please consider the whole person and his
19 family who still loves and supports him as well as the dire
20 consequences I have already faced; the loss of my daughter; the
21 loss of a marriage; the loss of my freedom; the loss of the
22 love of my life; the loss of everything I've ever worked for
23 and a stressful and dangerous job; the loss of the one career
24 I've wanted since I was in the fourth grade; the loss of
25 respect from an entire community, the people I once diligently

1 and honorably served; the loss of nearly every friend and
2 relationship I've ever had.

3 Without a doubt what I did was wrong, and I've
4 acknowledged that since the day of my arrest. I've been
5 nothing but truthful with the investigators answering all of
6 their questions. I have tried several times to answer more of
7 their questions and help them identify another individual they
8 were looking for related to my case. They have declined all my
9 offers and information, but I do want to be clear that I have
10 made myself available at every opportunity to cooperate fully
11 with their investigation.

12 Your Honor, I cannot begin to comprehend the impact
13 that I've made on several young people's lives and the lives of
14 their families, but I know them all to be strong people who
15 will overcome. Again, I cannot apologize enough. And I pray
16 that God continues to provide strength, healing and forgiveness
17 to them.

18 Speaking briefly on forgiveness, I recently ran across
19 a story about a man named Frank Sherry and a woman named
20 Florence Dace. Frank violently killed Florence's husband with
21 a hammer. Frank who was a career criminal had been in and out
22 of the jail and prison system since he was very young. And
23 instead of responding with hate and vengeance, Florence came to
24 see Frank in jail. Florence brought her late husband's Bible
25 with her, and she gave that Bible to Frank.

1 Frank went on to read that Bible, was fortunate to
2 have -- to serve a 20-year sentence for murder. He went on to
3 become a well-respected prison chaplain and later minister in
4 his own church, speaking frequently with Florence right there
5 at his side.

6 I also recently read something from an author, a
7 former minister named Don Piper. He, too, writes on the power
8 of forgiveness in his book Daily Devotions. He says, and I
9 quote, people hold on to their pain and their hurt, and they
10 refuse to forgive those who have wounded them because they fear
11 it somehow validates that person's actions.

12 He continues, if we don't forgive, we don't understand
13 God's grace. God's grace means that although we're guilty and
14 deserve punishment, God wipes away our sins. Additionally, we
15 can't forgive until we know what it's like to be forgiven.
16 Maybe that's why some people hold on to their pain; they don't
17 feel forgiven. I wonder what they feel when they recite the
18 Lord's prayer asking God to forgive us our debts as we forgive
19 others. I found those to be very powerful words from a man who
20 had every right to hold hate in his heart after a violent act
21 nearly took his own life but chose instead the peace that comes
22 with forgiveness.

23 I state again, I am deeply sorry; and I will forever
24 pay a price for what I did. I do not ask anyone to validate in
25 any way anything I have done. But I do ask for forgiveness. I

1 have found a great peace that came from forgiving the priest
2 who molested me over 30 years ago. I carried a lack of
3 forgiveness around for far too long, but I have found inner
4 strength I never knew. I had to face my demons like never
5 before.

6 Take the box of my own sexual abuse off the shelf
7 where I had tried -- where I had tried to hide it, tried to
8 hide it away forever. Open it. Deal with its contents and
9 begin the healing process. That process all started with one
10 act of forgiveness. I pray that those I have hurt can some day
11 find that peace.

12 Your Honor, one big reason I am here today is because
13 I let my -- because I let my relationship with God falter. I
14 wasn't patient with him. I became angry with him allowing the
15 lies of Satan to work against me. I had been raised in the
16 church, two of them actually, and was always close to God until
17 a few years ago. When I neglected that relationship, I did
18 many things I shouldn't have, and my life snowballed out of
19 control.

20 I do wish to take a moment to thank the many
21 volunteers who have given their time and themselves to provide
22 religious service and Bible study at the Waukesha County Jail.
23 Without those wonderful people, I might still be lost. To be
24 clear, I didn't get arrested and immediately find God out of
25 convenience. It took some time, but I did come back to God,

1 and he took me back.

2 I have been strengthening my relationship with him
3 ever since. I attend services every Sunday and at least two
4 Bible study programs during the week. One of the groups I
5 participate in Bible study with provides self-study material to
6 supplement our group sessions. I have completed every level of
7 every module offered, and I'm richer in spirit for it.

8 Your Honor, I believe you received a letter from one
9 of the facilitators of that group written in support of me.
10 That letter was not solicited, and I found out just this last
11 week it was the first letter he had ever written for an inmate
12 in his nine-and-a-half years of jail ministry.

13 I also wrote a prayer several months ago, a prayer I
14 pray many times a day. I shared that prayer with another
15 group, and the facilitator there took that prayer and made many
16 copies of it. He has since shared it with the entire jail and
17 many groups and people outside of the jail. I am well-known in
18 the jail because of who I am and why I'm there; yet the vast
19 majority of comments I get are related to that prayer. I never
20 wrote it for that purpose, but I do take great strength in
21 knowing I can still affect people's lives in a positive way and
22 know that I can still do something right.

23 I enjoy helping others as much as I can, and I always
24 have. I always will even from jail or prison. Despite who I
25 am and why I'm incarcerated, people still seek me out in that

1 jail for tutoring with their GED studies, for help in writing
2 or reading a simple letter, who have questions of faith. I
3 continue to be of service wherever and whenever I can.

4 Saint Paul says when we give our lives to God, as I
5 have done, and live that life through our actions, we become
6 new creatures. Old things have passed away and, behold, all
7 things become new. I have truly devoted my life and time to
8 becoming that new creature.

9 I wish to thank my mom again as well as my sister and
10 my nephew for their unconditional love and support. I wish to
11 thank the few friends I still have who have stuck with me
12 because you define what true friends are. Your love and caring
13 in the face of my actions inspire and guide me. I will not let
14 you down. I let down too many already and that cannot and will
15 not happen again.

16 Your Honor, since my arrest I have made every attempt
17 to better myself and continue the process of positive permanent
18 change. I've already mentioned several of those things. This
19 is all about healing, all about change. I have chosen to
20 occupy myself in the jail with AODA education, church and Bible
21 study, reading like I've never known, and tutoring.

22 If there are any more I could involve myself in in
23 that jail, I would. I've tried to make the most of the time I
24 have in jail and do -- and plan to do even more in prison. I
25 recently ran across a statement from a man -- excuse me -- a

1 man named Burl Caine. He's the warden of Louisiana State
2 Penitentiary. He says, and I take great hope from his words,
3 prisons are places in which real changes can occur, primarily,
4 because they are void of most distractions. They are full of
5 opportunities for meaningful self-analysis. It's all about
6 corrections not punishment. It's all about choices. Freedom
7 always is. Prison makes us reflect on who we are. It makes us
8 want to do better. It makes us cope with what we've done.

9 I couldn't agree more with that warden. I've been
10 changing and coping since day one and will continue to do so
11 every day into the future. I also plan on continuing my
12 education along on that goal of mine. I plan on continuing to
13 be a tutor to others who need it and plan to -- on studying
14 jail and prison programs and recidivism.

15 Having been on one side of the law and now on the
16 other, I find myself in a unique position to try and take a
17 hard look at why people reoffend. I've seen countless numbers
18 of people cycle two, three or more times in and out of just the
19 one unit I've been in in that jail since July. People don't
20 seem to cherish their freedom. They seem all too comfortable
21 with re-offending and spending time locked up. I can't grasp
22 why someone who is given another chance at freedom and life
23 would want to risk coming back to jail or going to prison; why
24 they're not getting the message.

25 We live in a country founded on the premise of second

1 chances. Many of those guys have been given many, many second
2 chances. I ask now only for my opportunity at a second chance,
3 a chance to prove that I do get it; that I have learned my
4 lesson, feel the pain and loss of incarceration, and that I can
5 contribute positively to society again.

6 One of my biggest fears is becoming what is known as
7 institutionalized and taking the once positive and productive
8 person and turning him, me in this case, into someone who
9 learns to relate only with other offenders and comes to be a
10 burden -- comes to become a burden on the system and society as
11 I have seen in so many others who have spent long periods of
12 time incarcerated.

13 Your Honor, I ask and I beg, again, for the least
14 amount of prison time possible and the least restrictive and
15 most therapeutic environment the Bureau of Prisons can offer to
16 accomplish the goals necessary to my case so that I may once
17 again become a positive contributing member of the society I
18 now miss so much.

19 I've already begun to learn how to change, how to find
20 something good about myself every day and build on that; how to
21 love something new about myself every day and build on that;
22 how to do many things I have refused or been unable to before,
23 yet now I find I can do in jail of all places; things like
24 seeing the good in others; not judging others; admitting I can
25 be and often am wrong.

1 I will listen to God and my conscience. I have many
2 defects; anger, sexuality, self-image and addictions to name a
3 few. I am an imperfect human being but a human being
4 nonetheless.

5 The next years of my life will be spent addressing and
6 understanding those things to achieve permanent change. I have
7 turned my life completely over to God who will continue to
8 guide me through this and grant me peace and strength. I pray
9 he does the same for those I have hurt.

10 Never again will I turn my back on him or ignore the
11 things he is telling me or showing me. I expect to work -- I
12 expect to continue to work brutally hard at change and
13 improvement; work I had already begun on my own and experienced
14 success with towards the end of last year and especially the
15 first five months of this year; work I continue today and every
16 day for the rest of my life.

17 At the very least, this event has forced me to do two
18 things; I've been forced to examine my life and look inward,
19 something I might not have ever done on my own. Second, it has
20 forced me to look upward; to find strength and power beyond
21 myself in a place where I am completely powerless.

22 I have a copy of something I found written by a
23 contributing author in a book Serving Time, Serving Others.
24 It's called the Inmate's Affirmation, and I believe each word
25 of it.

1 It reads: These cement walls cannot contain my heart,
2 my mind, or my spirit. I deeply regret more than words can say
3 whatever damage I've done to my fellow human beings. I am
4 working hard towards the highest good for myself and others and
5 will forever continue to do so. I am determined to leave
6 prison a better person than what I entered with hope,
7 compassion, determination, and integrity. I will not allow my
8 faith, inner strength or loving generosity to be damaged by
9 this or any other hostile environment. I'm not a prisoner but
10 a temporarily contained worthwhile human being with so much
11 good yet to offer this world. I keep those words on the desk
12 in my cell visible at all times and will continue to do so
13 wherever I may end up.

14 Your Honor, what's left of my life and my future is
15 now in your hands. I beg of you, do not let my mistakes, my
16 past pain define who I am and what my life has meant. My
17 character, my life consisted of so much more than those
18 seemingly unforgivable moments of despair that bring me before
19 you today, a broken and humbled man. I ask that you consider
20 mercy and compassion when you pass sentence on me shortly. And
21 I thank you for listening and considering what I have to say.

22 THE COURT: Okay. Ms. Coblentz.

23 MS. COBLENTZ: Thank you, Your Honor. Your Honor, in
24 listening to the comments by defense counsel and the comments
25 by the defendant, they seem to want to narrow the defendant's

1 behavior to two years of his life and alleging that the
2 Government is ignoring the other 39 years of his life. That
3 just is not true. As the Court has a very detailed presentence
4 report before you as well as a psychological evaluation, it's
5 clear that Mr. Wentzel has been acting out much longer than two
6 years of his life.

7 Going through everything several times, the only
8 positive that I honestly could find concerning this defendant,
9 and it is definitely a positive, he did not put the victims
10 through a trial. He did admit to his involvement, and he
11 spared them having to go through that additional trauma.

12 As far as the defendant, Your Honor, being a sworn law
13 enforcement officer is a positive. As a law enforcement
14 officer, he took an oath to protect and to serve the community;
15 but instead of doing that, this defendant -- he used his
16 position as a member of law enforcement to prey on innocent
17 children, to gain the trust of their parents/of their
18 guardians, to gain access to their young children to sexually
19 molest them.

20 I've heard over and over, and I think you're going to
21 hear this when some of the victims speak, they trusted him
22 because he was law enforcement. They thought he would do no
23 harm to their girls. And that is exactly the way he was able
24 to get his hands on a number of these young girls.

25 Not only did he molest them sexually, he videotaped it

1 and took still images of the molestation. He would drug them
2 with Ambien and other medication in order to engage in this
3 type of sexual activity. He then would distribute the images
4 of his sexual assaults of these young victims.

5 This defendant would chat online with others. He
6 bragged about what he did to these young girls. He provided
7 detailed information to others on how to drug a child in order
8 to molest her.

9 I view this particular defendant, Your Honor, as
10 extremely dangerous. It is clear if someone has a sexual
11 interest in a young child, that interest develops in the
12 individual when they are in their teenage years. They know it
13 for certain by the time they're late teens, early 20s that that
14 is their sexual interest. That sexual interest will never
15 change. It's a question of whether they act out on it or not
16 in the future.

17 As the defendant himself has admitted, he knew in his
18 20s or early 30s that he was sexually attracted to adolescent
19 girls. He knew that was his sexual interest. Again, that
20 sexual desire will never go away from Mr. Wentzel. It will
21 always be there.

22 By his own admissions throughout the presentence
23 report, throughout his comments to the psychologist, he cannot
24 control himself. He struggled with the attraction to one of
25 the minor females when she was ten years old. He eventually

1 molested her over and over, and he videotaped it. He moved
2 beyond this young girl to sexually molest six other victims
3 that we're aware of, and we're aware of them because he
4 videotaped it or took still images, and he shared that with
5 others.

6 This defendant could not stop himself. The only thing
7 that has stopped him is the fact that right now he's been
8 incarcerated since his arrest. He was confronted by Minor
9 Female B about his actions towards her; how she would wake up
10 at night and find him in her room. He was confronted by his
11 wife. But he continued to molest. He could not stop. He
12 continued to molest.

13 He even went to counseling with Dr. Kotkin; saw
14 Dr. Kotkin two to three times a month for a long period of
15 time. Even while going through counseling for this problem, he
16 could not stop himself. He continued to molest while he was in
17 counseling. He would continue to molest, continue to act out
18 on it and continue to not be truthful to Dr. Kotkin. He told
19 Dr. Kotkin that he was not hands on when, in fact, he was hands
20 on; he was sexually offending. He was not just looking at
21 child pornography, he was creating child pornography to share
22 with others.

23 The defendant, his comments today and in his comments
24 in the presentence report, particularly in Paragraph 144, he's
25 minimizing his involvement. He states this behavior was a

1 brief period in his life. It was not a brief period in his
2 life.

3 As far as the no criminal history for Mr. Wentzel, as
4 this Court knows, it's common for this type of defendant, for a
5 defendant who engages in sexual acts, it's common that they do
6 not have a criminal record. In fact, it's rare for someone
7 charged with this type of offense to have a prior criminal
8 history.

9 In Paragraph 112 of the presentence report, the
10 defendant stated that his childhood was unremarkable; but now,
11 recently, he's asserted that he was molested by a priest while
12 at school in St. Louis. During the presentence investigation
13 that was being done by the defense, they reached out to that
14 school in St. Louis, and they were advised that the priest that
15 the defendant said molested him, that particular priest, who
16 apparently did molest a lot of children, there was a lot of
17 media coverage about it, but he was not at the school during
18 the time period that the defendant attended that school.

19 I provided this information to defense counsel to let
20 him know that the priest was not there at the time that
21 Mr. Wentzel claims that he was molested by this particular
22 priest.

23 Your Honor, this defendant has given the victims and
24 their parents and guardians a lifetime sentence based upon what
25 he did for his own selfish sexual needs. These victims, they

1 will never be able to completely move beyond this. This will
2 always be a part of them, of their life history. Hopefully,
3 it's something that with counseling and with time can minimize
4 the impact that it will have on them. These are very young
5 children that he molested. One was as young as seven years
6 old.

7 As I stated in the beginning, the children were
8 drugged by the defendant. Drugs were recovered from the
9 defendant's residence by search warrant. After listening and
10 after reading some of his online chats, he indicated that he
11 would hide Ambien or the generic form in a Tylenol bottle. So
12 we went back and got a search warrant. The defendant did, in
13 fact, have the generic form of Ambien. A plastic syringe was
14 also recovered from the defendant's residence, and that plastic
15 syringe, it contained three types of drugs. It contained a
16 hypnotic insomnia drug, it contained the generic form of
17 Ambien, and it also contained an anti-psychotic medication; all
18 three drugs in that syringe. This defendant, Your Honor, could
19 have easily killed these children.

20 As I stated, one was as young as seven years old; and
21 this little girl was on medication for attention deficit
22 disorder. So when he drugged her with the Ambien, it was not
23 as effective as he had hoped it would be and -- because she
24 started to wake while he was engaged in oral sex on her.

25 And the defendant rather than realizing the

1 seriousness of drugging these young children, and as the Court
2 will hear later from one of the victims, our seventh victim
3 suffers from a medical condition that with the combination of
4 the Ambien with the medication she takes, he clearly could have
5 killed her with that combination.

6 The defendant in his online chats talks about this
7 young girl that he had drugged. He's talking with an unknown
8 subject. We don't know who it is. But the defendant states,
9 by far the best opportunity I've ever had but only had one
10 night, and her ADHD meds messed with the Ambien I gave her.
11 And the things I had planned for the night didn't pan out.
12 Still was a good night, though. The unknown subject responds,
13 that one in the truck, right? And the defendant replies, no,
14 that was a different girl.

15 He refers to that girl as Truck Girl. The defendant
16 states, Truck Girl was seriously out of it but didn't have her
17 in my bed for a night like I had with the younger girl. If I
18 had Truck Girl, who was Minor Female F, for the night, there
19 would have been some serious things going down. She was out
20 hard. But I only had very limited time with her in the truck
21 and was talking to her mom so couldn't do all of the things I
22 wanted.

23 He goes on to state to this unknown individual, indeed
24 I've never had one out that hard. The possibilities would have
25 been nearly endless. He goes on to state, when he's talking

1 with the mother and the dad, as he's taking this young girl
2 back to her mother he's telling them that she's sick so he's
3 having to drive slowly. They're wondering what's taking so
4 long. And he states in this online chat, in reality, of
5 course, he was pulled off on a back road taking those pics and
6 tasting every bit of her while I could.

7 Then he goes on in another chat stating to another
8 unknown individual, sometimes if it's close to bedtime, she
9 says she has a headache. I keep Ambien in a Tylenol bottle.

10 In another chat he states, for other victims, got them
11 pretty drunk the second night he was there. Killing me that I
12 didn't have the sleep potion to add to their drinks. Mix that
13 and the alcohol, and there would have been some sex for sure.

14 This defendant, Your Honor, is so incredibly
15 dangerous. He's drugging the victims. He's bragging about it.
16 And then he goes on in an e-mail dated February 22 of 2011,
17 again to an unknown individual, he provides a very detailed
18 description of how he drugs his victims.

19 He talks about getting the generic form of Ambien,
20 10 milligrams. He states Ambien is not a colorless, tasteless
21 drug like a roofie or other club drugs. He talks about, he
22 then dissolves several pills at a time in a small medicine cup,
23 like one could get with NyQuil or Pepto and hot water. He
24 states they take about 15 to 20 minutes to dissolve. Stir and
25 suck it up into a small syringe, then add a tiny amount of

1 water back into the cup and stir again to get the little bit of
2 residue off the bottom of the cup. Then suck that into the
3 syringe as well. As for exact dosage, it's a bit of a guess.
4 Ambien is not designed for kids, but it does work. Remember,
5 the stuff doesn't dissolve; so if they don't drink it right
6 away, the Ambien will settle in the bottom of the can, cup or
7 glass. They may end up ingesting the whole dose in their last
8 swallow in which case they will taste it. It is very bitter.

9 He goes on and on and on in great detail. And it's
10 all set forth in Paragraph 30 of the presentence report;
11 talking about what to do to determine if the young victim is
12 sufficiently out so that he could molest, different things to
13 try. He's found -- He said the best effect of Ambien is
14 achieved within the first two to three hours. That seems to be
15 when deepest sleep occurs. I did some research on sleep
16 patterns in kids, too. The younger ones tend to recycle more
17 frequently in between the deep sleep, which we are looking for,
18 and REM sleep where they dream.

19 Ambien may slow the cycles, but it doesn't eliminate
20 them. In teens and preteens, they tend to sleep hard for a few
21 hours then move into a lighter sleep as the night progresses.
22 He goes on and on and on about giving advice to others so they
23 can engage in the same type of activity.

24 It's also important to remember that this particular
25 defendant, Your Honor, was involved in a national ring of

1 individuals who were producing child pornography, who were
2 sharing the child pornography with each other. It was not
3 sufficient to just look at what was already on the Internet.
4 This group engaged in actual production and passed it around
5 and were able to get their hands on young girls based on the
6 relationship with either the child being a relative or a close
7 family member or a child of a close friend.

8 The defendant indicated this morning that he was
9 nothing but truthful with the investigators after he was
10 arrested. That's not completely true. He adamantly denied to
11 law enforcement, and the FBI agents are here today who
12 interviewed him, adamant that he never drugged these children
13 which of course is not true. So he was not truthful then, and
14 he was not truthful this morning when he told you that he
15 acknowledged his involvement in everything.

16 He said he offered to be debriefed by the FBI. As, of
17 course, they and I were very interested, there are many
18 people -- we don't know who these other individuals are. We
19 were interested in trying to learn their identities, but the
20 defense relayed to me that Mr. Wentzel did not know any of
21 their identities; that he gave everything that he knew to the
22 investigators the night he was Mirandized, the night he
23 provided information to them and admitted to it.

24 So his comments, again, Your Honor, to this court are
25 misleading in the Government's opinion. I believe that the

1 defendant is clearly without question a danger to the
2 community. He will always be a danger. He had opportunity
3 after opportunity after opportunity to stop his behavior, to
4 try to reign it in, not act out on it; but he did so, and he
5 did so in such a dangerous way by drugging these children.

6 That is why I believe a 45-year sentence is
7 appropriate followed by lifetime supervision. It will give the
8 defendant an opportunity to at some point be part of the
9 community again. Hopefully, with the treatment that's
10 available at the Bureau of Prisons for individuals like this
11 defendant he will learn and understand that desire is always
12 going to be there; but he has to not act out on it.

13 Your Honor, I would ask at this time for those victims
14 or the parent or guardian of the victims if they could come
15 forward one at a time to speak. What I have asked is that they
16 identify themselves as the mother or father, a guardian of
17 Minor Female A or B, or whatever it is, to protect their
18 identity in this open courtroom as they are still minors.

19 And I understand that two of the minor victims also
20 want to address the Court, and I'm going to ask them to refer
21 themselves as identified in the indictment as well as the
22 information.

23 THE COURT: Okay.

24 MS. COBLENTZ: Thank you.

25 MOTHER OF VICTIM: You knew you were damaged like

1 this. You lied to me for over a decade. You could have given
2 me any reason not to foster and then our adopted daughter, but
3 you didn't. Then you proceed to violate her and anyone she
4 came in contact with.

5 You were a disinterested father at best except for
6 appearance's sake and what she could do for you. You filmed
7 her, drugged her, drugging us, molested her. I had to be told
8 by the authorities that you ejaculated into our shampoos, our
9 lotions and anything else that you could get your filthy hands
10 on.

11 You tampered with our medications and bragged about it
12 online. I dragged you into counseling time and time again not
13 knowing what I was doing wrong in our marriage, and you lied
14 your way through everything. You tore apart your own
15 household, and that still wasn't enough for you.

16 You had to destroy other families as well for your
17 sick desires; but yet you can sit there and say that you have
18 suddenly found God and call and write and beg for forgiveness.
19 You have your spiritual guidance pen pal harass us on your
20 behalf. You are an arrogant, selfish, self-serving, godless
21 bastard. You care about nothing more than Phil Wentzel, and
22 that will never change.

23 The only remorse you feel is because you were caught.
24 You would have preyed upon these girls forever. All those
25 plans we made for the future are thrown away with your life.

1 You know the system and are acting -- acted like an upstanding
2 member of law enforcement, acted like a country-loving family
3 man. You can't fool us anymore. You can't be fixed or
4 trusted. You're a worthless piece of nothing. You deserve to
5 be locked up like the animal that you are, and there is no hope
6 or place for you in society. At least do that for us. Go sit
7 in your prison and take your punishment that you earned with
8 your vile acts.

9 MOTHER OF MINOR FEMALE G: I am the mother of Minor
10 Female G. I have never met Philip Wentzel in person. This is
11 the first time that I have ever seen him. I entrusted my
12 daughter, who was Female G, minor, to go camping with
13 Mr. Wentzel's wife and daughter. My daughter has epilepsy.
14 She was newly diagnosed in 2009. And I trusted the fact that I
15 knew a Racine County sheriff who went to school with
16 Mr. Wentzel; that my daughter would be safe not only with her
17 epilepsy in case she had a seizure, being that she was newly
18 diagnosed, but also that he was trained because of his law
19 enforcement background.

20 I am so disgusted. I've been a nurse for 11 years. I
21 can't sleep. I have a six-month-old daughter that I look at.
22 I couldn't protect her from a cop who drugged my daughter and
23 molested her. And you're sorry? You found God? That's not
24 good enough for me. You don't deserve to ever be let out. All
25 these lives you've destroyed. I don't -- You're selfish. You

1 could have killed my child. And you're sorry. You could have
2 killed her.

3 And you didn't even know who she was. Nobody knew who
4 she was. She was just a picture that you took, a trophy,
5 something that you boasted about online. I never let my
6 children spend the night anywhere. The one time I let my
7 daughter go somewhere -- because I trusted that you worked for
8 the Milwaukee County Sheriffs Department, and she was safe.

9 One weekend and she's drugged and molested. The only
10 thing I can ask for, Your Honor, is, please, do not let him out
11 anytime soon to where he could reach anybody's child and do
12 this to anybody else's family because we don't sleep at night.
13 Who do you trust now? You cannot obviously trust the police.
14 I'm sick. I cringe every time I see a law enforcement officer.

15 I don't even tell my children to trust them because of
16 what this man has done to my daughter. I can't. I don't --
17 How do you explain this? And he's sorry. You can't -- You
18 cannot fix this. This is a sexual urge that he's had for a
19 long time.

20 If he gets out of prison, he will do it again and
21 again and again. He didn't turn himself in. He was busted
22 file-sharing. He would have continued to do it. I'm just
23 sickened. I'm glad my daughter is here. I'm glad you didn't
24 kill her. But you had no regard for that. And she had a
25 necklace on. And I know that you know that she had epilepsy

1 for a fact. And it disappoints me. It disappoints me that I
2 was so angry at a friend of mine who went to school with you
3 because of what you did to her; and that none of us can look to
4 a law enforcement officer ever again and feel safe because of
5 what you did to our child. Ever. I have nothing else to say.

6 THE COURT: Okay.

7 FATHER OF MINOR FEMALES E AND F: I've known Phil for
8 13 years -- 12 years. Considered him a --

9 THE COURT: Would you identify yourself?

10 MS. COBLENTZ: Pardon me?

11 THE COURT: Could you identify him?

12 MS. COBLENTZ: He's the father, Your Honor, of Minor
13 Females E and F.

14 THE COURT: Okay. Go ahead.

15 FATHER OF MINOR FEMALES E AND F: He betrayed me. He
16 betrayed my daughters. He stole their innocence. He used them
17 for his own self-gratitude. I don't know how this is going to
18 affect my children. I don't even know how to explain it to
19 them. He -- He took everything from me and my girls. People
20 suffer because of this. And, again, all he cared about was his
21 own selfish acts.

22 He took away stuff that I want -- that we did as a
23 family with my girls, and the one thing is our camping. My
24 girls can't even look at the camper or go in that camper
25 anymore. And I know it's a minute thing, but it's huge. It's

1 huge to me. It's huge to my girls.

2 I just -- It's so hard for me to cope right now
3 knowing that -- what my girls are going to have to deal with
4 later in life. Someone else finish this. I can't do -- I
5 really can't do this.

6 MS. COBLENTZ: Your Honor, I believe two of the minor
7 victims in the courtroom this morning want to address the
8 Court. Your Honor, Minor Female B and Minor Female C. This is
9 Minor Female C. Tell the judge how this impacted you and how
10 you feel about it.

11 MINOR FEMALE C: I'm just really angry that after,
12 like, all that we have been through, like -- that something
13 else has to happen; and he had the choice. He had a choice,
14 and he knew what we had been through; and he still took
15 advantage of us.

16 And, you know, my grandma trusted him; and she just
17 wanted like a weekend away. And he took us, and he took
18 advantage of us, and I really don't think that's fair. You
19 know, he had so many chances to do the good thing; and he just
20 kept doing it, and that's just not fair. And he doesn't
21 deserve to get out.

22 And I -- I don't want to think about it; but it just
23 keeps coming up, and I don't want to -- I don't even know what
24 to do. I don't even know what to think about it with
25 everything else. I can't deal with somebody else, and I can't

1 believe that someone would ever do something like this.

2 THE COURT: Okay. Thank you.

3 MS. COBLENTZ: This is Minor Female B. And just for
4 the record, Minor Female C and Minor Female B are sisters.

5 THE COURT: Okay.

6 MINOR FEMALE B: Well, after everything I had been
7 through, going through foster homes and everything and, you
8 know, finally I have a stable home, somebody to look up to,
9 supposed to be my father figure and -- took advantage of us,
10 took advantage of me. You can't even look at me right now.
11 Look at him. You should feel ashamed of yourself.

12 He took advantage of all -- of everybody. He lied to
13 everybody. Put on a fake face for everybody. You had plenty
14 of chances to come clean. I told my mom several times, but you
15 just have to come up with a new lie every single time. Every
16 single time you came up with something new.

17 Everybody thought you were such a good person but
18 obviously not. And one of the hardest things I'm going to have
19 to look forward to is walking around straight about what
20 happened, about telling her.

21 Like my sister said, my grandma needed a break every
22 once in a while; so them two would come up north with us and --
23 to give my grandma a break, and he took advantage of us. And
24 when they knew -- You know, I didn't even want to go to school.
25 I didn't even know if my friends would want to be friends with

1 me anymore after they found out.

2 I didn't want to tell my sister when she came over. I
3 knew that he would take pictures and come in and stuff. And I
4 didn't really know if I should tell her. And I was afraid to
5 tell her; that she'd be mad at me; she wouldn't talk to me
6 anymore; she wouldn't want to come over. Yeah. That's all.

7 THE COURT: Okay. Thank you.

8 MS. COBLENTZ: Your Honor, I believe there are no
9 other victims that want to address the Court.

10 THE COURT: Okay. Mr. Phillip, do you or your client
11 want to say anything?

12 MR. PHILLIP: I only have one disagreement or perhaps
13 two minor ones with the Government's argument.

14 First of all, in Ms. Conta's report, which is
15 submitted as a part of my sentencing memorandum, in her
16 conversations with the parish regarding the prior abuse, she
17 did confirm that while the priest was not officially assigned
18 to that parish; this was at Page 3 of her report, that he is on
19 record as an officiant at services there such as baptisms and
20 other things. And the timing matches of when that priest was
21 there and when Mr. Wentzel was there.

22 Then as to the abuse of position of trust, I would
23 disagree that the evidence supports any active abuse of
24 position of -- a position of trust. Beyond that, I don't have
25 anything further.

1 THE COURT: Okay. I think I'm going to take a moment
2 and sort of stand informal for a few minutes. I'll be back
3 momentarily.

4 (A recess was taken from 11:35 a.m. to 11:45 a.m.)

5 THE COURT: Okay. In imposing sentence, I consider
6 the factors in Section 3553(a), and I won't go through them now
7 to save time. But after considering them, I have to impose a
8 sentence sufficient but not greater than necessary to comply
9 with the purposes of sentencing.

10 Starting out by talking about the offenses, and
11 there's already been a lot of discussion of specifics, they're
12 extremely serious offenses. The defendant, who's a deputy
13 sheriff, drugged and sexually abused children who were
14 entrusted to his care, and created and distributed pornographic
15 images of them, and they -- these offenses came to light after
16 the Denver division of the FBI executed a search warrant at the
17 residence of a -- someone in Denver, I believe, in July of
18 2011.

19 And he provided -- this person they arrested provided
20 the password to an encrypted hard drive that the agents had
21 located, and the agents then located a folder where Mueller
22 stored originally produced pornographic images and videos. And
23 then there was a subfolder which -- for an individual called
24 Countryboy. And then that had a couple of other subfolders;
25 and within one of the folders, the majority of the -- Anyway,

1 Mueller then confirmed the identification of some of the names
2 on these folders, riser_rick and Countryboy were identified as
3 the defendant. And the majority of the pornographic images
4 were taken when the prepubescent girl identified in the
5 indictment as Minor Female B appeared to be sleeping.

6 And the presentence in Paragraph 32 describes the
7 images involved in counts of conviction. And agents were able
8 to gather GPS information from the images. Specifically, in an
9 outdoor non-pornographic image of Minor Female A, she's seen
10 standing outside in front of a fire pit; and based on the
11 metadata of this image, GPS information was captured at the
12 time the photo was taken showing coordinates in the vicinity of
13 State Road 67 near Benson's campground in Fond du Lac County.

14 And in April of 2012, the GPS coordinates were
15 confirmed by the FBI. And agents obtained search warrants to
16 search defendant's residence in West Allis after the owner of
17 the campground advised that defendant had leased Lot D-25 there
18 since 2008.

19 Agents also obtained an arrest warrant for defendant,
20 and executed those on May 2nd of this year. And in a
21 post-arrest statement, defendant admitted to taking images and
22 videos and to using this Countryboy69 computer name.

23 And then during this search warrant execution at the
24 West Allis apartment, agents seized a laptop in which they
25 recovered a series of chat blogs, and those contained

1 conversations in which defendant talked about drugging victims
2 to create these images and how he had misled the girl's father
3 and his wife about what he was doing. And the PSR goes on in a
4 lot of detail. I don't really have to go through all of that.

5 In regard to each victim, the defendant was either the
6 parent, guardian or was supervising the activities of the
7 children at the time the images were produced. One victim was
8 his adopted daughter, two were biological siblings of his
9 adopted daughter, and three were the children of family friends
10 involved in supervising camping trips. And a forensic
11 evaluation of a disk conducted by the FBI revealed 136
12 photographs of young sleeping females.

13 Turning to the defendant's character, he's 41. He has
14 no prior record. He graduated high school and college. He
15 worked as a deputy sheriff from 2000 to 2012 in Milwaukee
16 County. And there's nothing in the PSR that to me seems overly
17 remarkable. He had a bad siege when his father died when he
18 was a teenager. His mother is very supportive and spoke here
19 today. She's undergoing kidney dialysis and asks that he be
20 imprisoned close to her in North Carolina, which I certainly
21 will do.

22 There's also a suggestion of abuse suffered as a boy
23 by a defrocked priest. Defendant's sister also made a positive
24 statement to the presentence writer and has also written a
25 letter. I've read all the letters attached to the defense

1 memo.

2 There really is a strong contrast between the person
3 described in the letters in the statement and then the conduct
4 here. And I also got a letter from the leader of the Bible
5 study group that defendant's -- in jail -- also makes very
6 positive statements about the defendant's helpfulness and
7 generosity.

8 Defendant's first marriage didn't work. Then he
9 remarried, and that's -- then they adopted a child who's now
10 14, one of the victims; and that also for -- obviously didn't
11 work out. I find it a little disturbing or maybe more than a
12 little that for two years prior to the defendant being arrested
13 he was in treatment with a specialist in sexuality issues.

14 And it took a long time, first of all, I guess, to
15 admit his attraction to adolescents, and was pretty passive.
16 And apparently the therapist found that -- didn't think he
17 was -- be able to make much progress largely because a lot
18 of -- I guess a lot of the issues that the defendant had were
19 not really reported.

20 And I've also read the reports from Dr. Patricia
21 Coffey and from Deborah Conta regarding the defendant. And the
22 Conta report discusses the molestation by the priest when the
23 defendant was a boy and also contains some -- defendant's
24 explanation of the offense conduct and his treatment history
25 with Dr. Kotkin.

1 The Coffey report indicates that the offense arose not
2 just from sexual deviance but also the need for power and
3 control. She diagnosed defendant with pedophilia sexually
4 attracted to females and a sexual disorder -- sexual
5 compulsivity as well as being -- having a major depressive
6 disorder, anxiety disorder, alcohol abuse. In remission then.

7 The Coffey report provides an actuarial risk
8 assessment which places defendant in a low risk range to
9 reoffend sexually now that there's been legal intervention.
10 However, Dr. Coffey noted that given his offense conduct which
11 involved not just direct contact but also production and
12 distribution of child pornography, it's likely that the
13 actuarial instrument that she used significantly underestimates
14 the risk of re-offending if released without intensive
15 treatment and long-term supervision.

16 And she also stated more generally that some of these
17 risk instruments should be considered to underestimate risk,
18 and that they provide only estimates of risks. It's not
19 possible, of course, to determine whether a particular
20 individual will or will not reoffend. None of us -- None of us
21 are God, and none of us can know for sure.

22 Generally, Dr. Coffey notes that viewers of child
23 pornography don't pose a significant risk of a hands-on
24 offense; but as she acknowledges, defendant doesn't fall into
25 this group.

1 Regarding treatment needs, defendant admits that prior
2 to his arrest he was drinking too much, mixing Xanax and
3 Ambien. He expresses a desire for treatment. Dr. Coffey
4 indicates that he's amenable to treatment to address deviance.

5 The guideline calls for life. The Government
6 recommends 45 years; the defendant 25. The statutory range for
7 each count is 15 to 30. Everybody recognizes a substantial
8 prison term is needed to satisfy the purposes of sentencing.

9 For more than two years the defendant drugged,
10 photographed and sometimes assaulted minor females entrusted to
11 his care, and then he distributed the images. His chats
12 revealed that he engaged in significant research regarding the
13 use of drugs, planning these assaults, and deceiving others to
14 ensure that he was able to engage in this activity. I mean,
15 there's a level of calculation and premeditation here that is
16 very disturbing. This was not just an opportunistic event
17 based on some urge or some sudden situation.

18 And the victim statements reveal a profound abuse of
19 trust. So a long prison term is needed to express society's
20 condemnation of this conduct, to punish, and to deter, and to
21 protect the public.

22 Defendant discusses the flaws in the child pornography
23 guidelines, which I've written about a lot; but the cases cited
24 such as Dorvee, D-O-R-V-E-E, and Diaz, D-I-A-Z, pertain to the
25 possession, receipt, distribution guideline not the production

1 guideline. As I've discussed in U.S. versus Krueger, 2009
2 Westlaw 4164122, while there are some problems with guideline
3 2G2.1, they're not as pronounced as the problems with 2G2.2.
4 It's true that the age of the victim enhancement applies most
5 of the time as defendant notes. It's also true that this
6 guideline is not fully the product of Sentencing Commission
7 study and expertise given congressional actions. See U.S.
8 versus Huffstatler, H-U-F-F-S-T-A-T-L-E-R, 571 F.3d at 623.
9 Therefore, this guideline is worthy of less deference than
10 others.

11 The Seventh Circuit has cautioned district judges
12 about imposing life or de facto life sentences. See U.S.
13 versus Wurzinger, 467 F.3d at 652. And just this week in U.S.
14 versus Craig, a child pornography production case, Judge Posner
15 wrote a detailed concurrence on the issue.

16 And, you know, I'll keep in mind that at age 41 the
17 Government's recommendation could be a de facto life sentence,
18 even with maximum good time. That doesn't mean that a de facto
19 life sentence can't be appropriate in these types of cases.
20 The 50 year-term in Craig was affirmed. Really, it means that
21 I should consider whether nothing less can incapacitate and
22 deter. The possibility of lifetime supervision and sex
23 offender registration may also provide some additional measure
24 of public protection if the prison component is less than life.

25 Defendant notes his lack of prior record, but I have

1 to consider that in the context of the facts of the case which
2 involve repeated contact over an extended period of time even
3 while he was in treatment. The Conta report suggests as a
4 mitigating factor his attempt to seek treatment from a
5 respected therapist. It's hard to give too much weight to that
6 as it does appear that he really wasn't honest with Dr. Kotkin
7 while he was -- while he was in treatment. He didn't seem to
8 tell him much. So it's hard to give too much weight to his
9 attempts to seek help there.

10 Defendant admits that he didn't disclose anything that
11 would have resulted in a duty to report, and he was very aware
12 that he needed to be cautious about what he disclosed. And
13 treatment fails sometimes. People offend or use drugs or
14 whatever during treatment. And judges understand that. But
15 the record here suggests that the treatment was not an honest
16 sincere effort. And given the sort of calculating nature of
17 the offenses, the facts suggest that defendant's risk of
18 re-offending is greater than the typical category one offender.

19 Defendant notes that statistically offenders in their
20 60s, which he would be under -- which he would be under the
21 defense recommendation, are less likely to offend; and that's
22 true. It's also true that sex offenders are more likely to
23 recidivate than others. See McKune versus Lile, 536 U.S. 24,
24 33 and 34. See also Craig at 6, citing Virginia M. Kendall and
25 T. Markus Funk, Child Exploitation and Trafficking: Examining

1 the Global Challenges and US Responses at 310. That's 2012.

2 The Conta report suggests as a mitigating factor
3 defendant's childhood victimization. And I accept that there
4 may be or is a link between childhood victimization and an
5 adult acting out, and there's studies -- the Conta report cites
6 studies on this.

7 People who are themselves sexualized at a young age
8 may come to see children as sexual objects. They may come to
9 have impulses that a person who wasn't abused as a child
10 wouldn't have. However, it's hard to know -- it's hard to know
11 what to make of that in this case; one, given the really late
12 disclosure of the alleged victimization by the priest, you
13 know; and, two, the absence of some clear link between the
14 conduct here and victimization that the defendant experienced
15 years ago.

16 You know, again, these were planned -- planned events
17 that -- or planned assaults that the defendant filmed and
18 distributed, not impulsive opportunistic events. And he
19 also -- The defendant also told Dr. Coffey that he doesn't
20 believe that the abuse had a significant impact on him, a
21 negative impact. So while this isn't a mitigating factor, in
22 some cases it's hard to see how mitigating it is in this case.

23 I will take into account defendant's argument that a
24 de facto life sentence leaves no room for sentencing more
25 serious offenders such as those who cause serious physical harm

1 to victims or who have substantial prior records.

2 As the Seventh Circuit has noted in imposing a maximum
3 sentence, it creates a risk of unwarranted disparity with how
4 similar offenders fair elsewhere not only because they
5 overpunish but because it leaves little room for the marginal
6 deterrence of persons whose additional needs are more serious.
7 See, for example, U.S. versus Snyder, 635 F.3d at 961.

8 I'll also take into account the positives in
9 defendant's background, education, and employment record. It
10 may be that the offense of conviction and his profession will
11 make prison life more onerous. The seriousness of the offense
12 may tend to obscure other factors; but as the Supreme Court
13 recently reiterated, it's been uniform and constant in the
14 federal judicial tradition of the sentencing judge to consider
15 every convicted person as an individual and every case as a
16 unique study in the human failings that sometimes mitigate,
17 sometimes magnify the crime and the punishment to ensue.
18 Underlying this tradition is the principle that the punishment
19 should fit the offender and not merely the crime. See Pepper
20 versus U.S, 131 Supreme Court 1239 and 40.

21 Defendant in his memo suggests that general deterrence
22 won't be better served by a 45-year as opposed to a 25-year
23 term, and that's probably right. Most individuals who engage
24 in this conduct likely think they won't be caught in it. A 20-
25 to 30-year term might deter a rookie pornographer as well as a

1 45-year life term.

2 Ultimately, nothing that I do here is going to satisfy
3 the understandable anger and disgust felt by the victims and
4 the families. My job is to consider all of the circumstances
5 of the offense and the offender and impose a sentence
6 sufficient but not greater than necessary to satisfy the
7 purposes of sentencing.

8 Under all the circumstance, I find a total sentence of
9 40 years sufficient but not greater than necessary. This
10 sentence will appropriately punish defendant for his terrible
11 conduct, protect the public for a very long time, and deter
12 others.

13 Therefore, defendant is committed to the custody of
14 the Bureau of Prisons for 300 months on Counts One, Two, Three,
15 Four, Five, and Six of the indictment running concurrently and
16 180 months on Count One of the information running
17 consecutively for a total of 480 months.

18 In order to produce the total punishment, I find it
19 necessary the sentence on Count One of the information must be
20 consecutive. See U.S. Sentencing Guideline 5G1.2(d). I
21 recommend that the defendant be placed at FCI Butner. I also
22 recommend appropriate sex offender treatment and substance
23 abuse treatment. No fine. Ten years of supervised release.
24 That's sufficient under the circumstances.

25 While he's on supervised release he can't commit any

1 crimes. He has to comply with the standard conditions. Within
2 72 hours of release, he has to report to Probation. No
3 firearms or dangerous weapons. No illegal possession of a
4 controlled substance.

5 He has to register as a sex offender. No contact with
6 children under the age of 18 without approval by Probation.
7 And he has to participate in a program of sex offender mental
8 health assessment and treatment as approved by Probation. He
9 has to waive all rights to confidentiality regarding sex
10 offender mental health treatment. Can't possess any sexually
11 explicit material. Has to participate with Probation's
12 computer monitoring program and follow all the rules on that.

13 The special assessment is \$700 due immediately in Room
14 362. Defendant has a right to appeal if he thinks there's
15 something unlawful. Counsel has a duty to advise him of his
16 rights. Any notice of appeal has to be filed within 14 days of
17 the entry of judgment. If the defendant wants to appeal and
18 can't afford to, he can ask for leave to appeal as a poor
19 person. And I'll dismiss Counts Seven, Eight and Nine. Thank
20 you.

21 (Proceedings concluded at 12:08 p.m.)
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24
25

1 STATE OF WISCONSIN)
2 MILWAUKEE COUNTY) SS:

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4
5 I, SHERYL L. STAWSKI, a Registered
6 Professional Reporter and Official Court Reporter, for the
7 United States District Court, Eastern District of Wisconsin, do
8 hereby certify that the above proceedings were reported by me
9 on the 21st day of December, 2012, and reduced to writing under
10 my personal direction and is a true, correct and complete
11 transcription of my computer-aided transcription of my
12 stenographic notes.

13
14 Dated at Milwaukee, Wisconsin, this 6th
15 day of February, 2013.

16 s/ Sheryl L. Stawski

17 Sheryl L. Stawski
18 Official Court Reporter
19 United States District Court
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